COUNCIL COMING ATTRACTIONS



Week of June 26, 2017

Fiscal Year 2018-2023 Fiscal Plan, Zoning Issues, Roadway Maintenance funding for Homeowners' Associations, Leash-free Dog Parks, and Property Tax Credit for Retired Military Services Members



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html.

Also the Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html.

On June 27, the Council session will begin at 9:30 a.m. Council President Berliner will present a proclamation recognizing Parks and Recreation Month.

COUNCIL

Resolution to Approve the Tax Supported Fiscal Plan Summary for FY18-23 Public Services Program

The Council is scheduled to vote on a resolution to approve the Tax Supported Fiscal Plan Summary for the FY18-23 Public Services Program. The Government Operations and Fiscal Policy (GO) Committee recommends approval of the FY18-23 Fiscal Plan. The staff report can be found at:

 $\underline{\text{http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169\&event_id=5030\&meta_id=140400} \;.$

Jennifer Hughes, Director, Office of Management and Budget and David Platt, Chief Economist, Department of Finance, are expected to attend the Council meeting.

- The FY18-23 Tax Supported Fiscal Plan Summary, like all versions of the Fiscal Plan, reflects current fiscal projections and policy assumptions. As economic and fiscal conditions change, future versions of the plan will change as well. What this version shows is that resources available to allocate to FY19 agency budgets will be limited.
 - Total revenue is projected to increase steadily throughout the 6-year period (2.7% in FY19, 2.5% in both FY20 and FY21, and 3.0% in FY22 and F23).
 - The current projections for resources available to the agencies in FY18-23 are for a 0.4% decrease in FY19 followed by increases of 3.5%, 2.5%, 3.2%, and 3% in FY20-23.
 - Debt service is projected to increase by \$20.9 million (an increase of 5.2%) in FY19.
 - Resolution No. 17-312 states: "The County should allocate to the CIP each year as PAYGO at least 10% of the amount of general obligation bonds planned for issue that year." PAYGO was \$34.0 million in FY18 and is projected at \$34.0 million annually in FY19-23.
 - Current revenue in the CIP increases by \$31.5 million (an increase of 47.7%) in FY19.
 - The reserve target for FY18 is 8.9% or \$457.3 million.
 - PResolution 17-312 refers to Other Post-Employment Benefits (OPEB) including prefunding for retiree health benefits. While most governments have not met their full annual required contribution, the County reached that goal starting in FY15. The tax supported cost for all agencies in FY18 is \$122.2 million, up \$12.3 million from FY17. The steep increase in FY18 is a result of changes to actuarial assumptions at both Montgomery County Public Schools and Montgomery College. The GO Committee plans additional review of OPEB-related issues in FY18.
- Zoning Text Amendment 17-04, Country Inn Standards

The Council is scheduled to introduce ZTA 17-04, Country Inn – Standards. Councilmembers Elrich and Hucker are the lead sponsors. Council President Berliner and Councilmembers Katz, Rice, Leventhal and Riemer are cosponsors. A public hearing is scheduled for September 12 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140402.

ZTA 17-04 would revise the standards for allowing a Country Inn as a conditional use in the R-200 zone. Conditional use approval for a Country Inn in an R-200 zone would only be allowed if the property abuts a larger lot zone. Currently, a Country Inn is "an establishment for dining in a rural area." In the opinion of the sponsors, the ZTA adds an appropriate limitation on what is considered a rural area.

- Subdivision Regulation Amendment 17-01, Approval Procedures Burial Sites
 The Council is scheduled to introduce Subdivision Regulation Amendment 17-01. The lead sponsors are Councilmember Rice, Council President Berliner, and Councilmember Leventhal. A public hearing is scheduled for September 12 at 1:30 p.m. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140404.

 Bill 24-17, also scheduled for introduction on June 27, would require the Planning Board to establish and maintain an inventory of burial sites in the County. SRA 17-01 would require burial sites identified in the inventory to be respected in the subdivision approval process.
- Bill 22-17, Homeowners' Associations Roadway Maintenance Repeal
 The Council is scheduled to introduce Bill 22-17. The lead sponsors are Council President Berliner and Councilmembers Floreen and Hucker. A public hearing is scheduled for July 18 at 1:30 p.m. The staff report can be viewed at:

 http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140407.

Bill 22-17 would repeal County law that provides for assistance to certain homeowners' associations to maintain certain association roadways or private maintenance roads. This

program is supposed to reimburse HOAs for eligible roads at roughly the cost that the County spends to maintain its own roads, subject to the availability of appropriations. For two decades, the Council has limited the reimbursement to around \$1,000 per eligible mile, a fraction of the cost of maintaining a County road.

- For the FY10 budget, the Council reduced the appropriation to only about \$250 per eligible mile, and funding for this program has been suspended from for FY11 through FY18.
- During the FY18 budget deliberations, the Transportation, Infrastructure, Energy and Environment (T&E) Committee recommended legislation be enacted to eliminate this program.
- Bill 23-17, Animal Control Performance Animal Violations

 The Council is scheduled to introduce Bill 23-17. The lead sponsors are Councilmembers Rice and Leventhal. A public hearing is scheduled for July 18 at 1:30 p.m. The staff report can be viewed: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140409.

 Bill 23-17 would: define the term exhibit and performance animal; prohibit the exhibition of performance animals; authorize the Animal Control Division to take enforcement action for a prohibited act; and generally amend the provisions concerning animal cruelty. The sponsors of Bill 23-17 want to protect the welfare of wild animals by removing the financial incentives to exhibit such animals.
- Bill 24-17, Land Use Information Burial Sites
 The Council is scheduled to introduce Bill 24-17. The lead sponsors are Councilmember Rice,
 Council President Berliner, and Councilmember Leventhal. A public hearing will be scheduled
 at a later date. The staff report can be viewed at:
 http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140411.

 Bill 24-17 would require the Planning Board to establish and maintain an inventory of burial sites in the County. Subdivision Regulation 17-01 would require burial sites identified in the inventory to be respected in the subdivision approval process.
- Expedited Bill 13-17, Taxation Property Tax Credit for Retired Military Services Members Eligibility

 The Council is scheduled to vote on Expedited Bill 13-17. Councilmember Floreen is the lead sponsor. Council President Berliner and Councilmembers Rice, Katz, and Navarro are cosponsors. The GO Committee unanimously recommends approval. The staff report can be found at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140413.

 Expedited Bill 13-17 would expand the property tax credit for military retirees to include retired members of the uniformed services, the military reserves, or the National Guard. Expedited Bill 13-17 would implement the authority granted in House Bill 1234, Property Tax Credit for Retired Military Service Members Eligibility, which was enacted during the 2017 Maryland General Assembly session.
- Expedited Bill 15-17, Silver Spring, Bethesda, Wheaton, and Montgomery Hills Parking Lot Districts Areas Defined Tax Exemption

 The Council is scheduled to vote on Expedited Bill 15-17. Council President Berliner is the lead sponsor, at the request of the Executive. The Transportation, Infrastructure, Energy and Environment (T&E) Committee unanimously recommends approval with amendments. The Committee recommends retaining the metes and bounds descriptions of all PLDs, adding the description of the existing Montgomery Hills PLD to the description of the Silver Spring PLD as a subsection, and specifically including the lot that exists just outside of the current Montgomery Hills PLD by reference to the land records. In addition, the Committee recommends amending subsection 60-16(e) to retain the ability of the newly expanded Silver Spring PLD to transfer funds to provide for streetscape maintenance. The Committee also recommends eliminating the

duplicative provisions in Chapter 60 to increase consistency across public parking facilities Countywide. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140415.

Expedited Bill 15-17 would merge the Montgomery Hills Parking Lot District and the Silver Spring Parking Lot District; clarify the application requirement for tax exemptions; delete duplicative provisions; and generally amend the law governing parking lot districts.

- WMATA General Manager's "Keeping Metro Safe, Reliable and Affordable" Plan Paul J. Wiedefeld, General Manager, Washington Metropolitan Area Transit Authority (WMATA), will brief the Council on his plan for continuous improvement to the Metrorail system once the current SafeTrack program is complete. His presentation can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5030&meta_id=140421.
- **Letter to State regarding Transportation Priorities** The Council is scheduled to approve a letter to the State delineating the County's transportation priorities. The letter, which can be found on ©18-23 of the staff report, includes elements for which there was unanimous or majority agreement among the members of by the

Transportation, Infrastructure, Energy and Environment (T &E) Committee. The Department of Transportation concurs with this version of the letter, and the presumption is that the Executive concurs as well. The staff report identifies the votes on each item discussed and can be viewed:

http://montgomerycountymd.granicus.com/MetaViewer.php?view id=169&event id=5030&meta id=140423.

- Maryland's Department of Transportation (MDOT) anticipates letters from local jurisdictions regarding their State transportation funding priorities for major capital projects. MDOT would like the letter to be updated annually in preparation of their upcoming Draft Consolidated Transportation Program (CTP), its six-year capital improvements program.
- Some jurisdictions update their letters annually, while others do not. Until now the Council and Executive have chosen to update their joint letter only in those years when either: (1) there has been a change in the composition of the Council or Executive; or (2) if the General Assembly has approved or pending a significant revenue increase for the CTP.
- The last Council/Executive joint letter was transmitted in 2015 because Councilmembers Hucker and Katz had joined the Council. Nevertheless, the County Department of Transportation (DOT) believes it appropriate to issue a new letter without there being a change to the Council/Executive composition or a major increase in approved or pending CTP revenue.
- The format used for the past 15 years has ranked projects by three sets of priorities: capital improvements for WMATA, projects to be promoted from the CTP's Development & Evaluation (D&E) Program to its Construction Program, and projects to be added to the D&E Program.
- DOT recommends arranging the priorities by mode instead, and including among the priorities some funds for operations and grants.

MCPS Educational Facilities Planning

Staff from the Office of Legislative Oversight and Montgomery County Public Schools (MCPS) will brief the Council on educational facilities planning at MCPS. Dr. Andrew Zuckerman, Chief Operating Officer, MCPS, and Essie McGuire, Executive Director, Office of the Chief Operating Officer, are expected to attend the Council discussion. In July 2015, OLO released Report 2015-12, A Review of the MCPS Revitalization/Expansion Program, which examined modernization, revitalization, expansion, and reconstruction projects at MCPS. The full report can be viewed at: http://www.montgomerycountymd.gov/OLO/Resources/Files/2015 Reports/MCPS%20Revitalization%20Expansion%2 oProgram%202015-12.pdf. The Council staff report for the discussion can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view id=169&event id=5030&meta id=140429.

Montgomery County Board of Education staff reviewed the recommendations made in the OLO report and will update the Council about the approach that will be used for allocating Capital Improvement Program (CIP) resources in the future.

COMMITTEE

Zoning Text Amendment 16-20, Overlay Zone - Bethesda

On June 26 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will review ZTA 16-20. The lead sponsor is Councilmember Floreen at the request of the Planning Board. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view id=169&event id=5946&meta id=140331.

ZTA 16-20 was introduced at the request of the Planning Board to implement the Bethesda Downtown Plan as proposed by the Board. The Council's approved changes to the Bethesda Downtown Plan warrant changes to the proposed overlay zone. Staff has amended the ZTA to mirror the changes made by Council to the Bethesda Downtown Plan. The Council held a public hearing on staff's amended draft ZTA 16-20 on June 13, 2017.

OLO Report 2017-9, Montgomery College Metrics

On June 26 at 2 p.m. the Education Committee will review OLO Report 2017-9. The full report can be viewed at:

 $\frac{\text{http://www.montgomerycountymd.gov/OLO/Resources/Files/2017\%20Reports/CollegeMetricsReportOLO2017-9.pdf}{\text{The staff report can be viewed at:}} \ .$

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5947&meta_id=140333.

The Council asked OLO to develop a set of data metrics for improving their understanding of the College's programs. Two sets of metrics were identified for the College's Current Fund (credit) and Workforce Development and Continuing Education (non-credit) programs: input metrics describing enrollment and operations, and output metrics describing student outcomes.

- OLO's recommendations for discussion include:
 - ✓ Input Metrics: Despite declines in enrollment, the College's operating costs have increased, as has the County's contributions to the College's credit programs. Staff costs drive the College's operating costs and increasing expenditures for academic supports for credit and non-credit programs. Additional compensation data for non-instructional and part-time staff are necessary for improving the Council's understanding of the College's cost drivers and operations.
 - ✓ Output Metrics: A third of credit students do not return the next year, less than half complete their developmental sequence within four years, at best half reach the three-year or four-year graduation and transfer benchmarks, and there are wide achievement gaps by race, ethnicity, and income. Yet, the College has improved student retention, developmental course completion, and three-year graduation and transfer rates. OLO recommends that future reviews of Montgomery College metrics include output metrics aligned with the College's noncredit programs, such as GED completion rates for students enrolled in adult literacy courses.
- IG Report 17-007, Oversight of the Montgomery College President's Expenses

The Education Committee will also review IG Report 17-007. On November 28, 2016, a local television station broadcast a report on the travel and other expenses of the Montgomery College President. Subsequent to the report, and additional published articles from other news outlets, the Office of the Inspector General (OIG), the Executive, and Council all received requests to conduct a review of these allegations. The full report from the Office of Inspector General can be viewed:

http://www.montgomerycountymd.gov/OIG/Resources/Files/PDF/IGActivity/FY2017/mcoll_pres_exp_adv_memo_31_may_2017.pdf .

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5947&meta_id=140335 .

The Office of Inspector General made two recommendations that the Committee will review.

- The Montgomery College Board of Trustees should: In future Employment Agreements with the President, omit the language stating that the Chair of the Board will appoint a special auditor to review the proposed expense budgets;
- Obtain the special auditor review of the President's travel and other expense reimbursements annually.
 - One option to accomplish this economically and with little additional impact on the staff is through a task order to be performed as part of the annual financial statement audit of the College.
- The Board of Trustees should work with the President to ensure that the President's travel
 and other business expenses are made transparent to all stakeholders, including the student
 body, all staff members, taxpayers, and donors. Information provided should reflect how
 travel and other expenses are necessary to support the objectives of the College and are
 consistent with the budget.
- Office of Legislative Oversight Report 2017-10, Strategies to Address Public School Capacity Constraints

On June 27 at 2 p.m. the Education Committee will review OLO Report 2017-10. The full report can be viewed at:

http://www.montgomerycountymd.gov/OLO/Resources/Files/2017%20Reports/SchoolCapacityOLOReport.pdf .

OLO Report 2017-10 responds to the Council's request for an overview of approaches used in other communities to address school capacity constraints. OLO Report 2017-10 provides case studies of specific strategies employed by school districts to expand school capacity and alleviate overcrowding. As provided in the Council-approved OLO Work Program, the report does not offer recommendations regarding which strategies, if any, should be implemented by Montgomery County Public Schools. The report focuses on:

- adding space, including leasing options, the purchase of existing non-school buildings, contract schools, space sharing, and the conversion of non-classroom space;
- redistributing students, including capacity-regulated student transfers, and temporary relocation of specific grades of students in select schools; and
- instructional scheduling, including split session scheduling, and multi-tracking for yearround schools.

Solid Waste Collection

On June 29 at 9 a.m. the Transportation, Infrastructure, Energy and Environment (T&E) Committee will discuss solid waste collection issues in the County with representatives from the County's Department of Environmental Protection (DEP). The staff report will be available on June 27. Residents in parts of Bethesda and Silver Spring reported missed solid waste pickups and recycling and yard waste sitting at the curb for weeks. Over the past two months the County has worked to re-establish normal solid waste collection services in the Silver Spring and Bethesda areas. Since new contractors are providing trash, yard trim, and scrap metal collection in those neighborhoods residents should be receiving normal service.

DEP notes that there may be small service issues, as the new contractors become familiar
with the neighborhood routes. County staff are monitoring, and working with, the new
contractors to ensure a successful transition. DEP staff continues to ask residents to report any
solid waste service issues through MC311.

- Resolution to approve the 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan
 - The T&E Committee also will continue its review of a resolution to approve the 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage System Plan. The staff report will be available on June 27. In light of OLO Report 2017-5, staff has asked representatives from the Department of Environmental Protection (DEP) and the Department of Permitting Services (DPS) to provide their thoughts on septic system regulations in the County as compared to other jurisdictions. DEP staff will continue to describe the major changes included in the recommended Ten-Year Comprehensive Water Supply and Sewerage Systems Plan.
- ZTA 16-20, Overlay Zone Bethesda
 On June 29 at 2 p.m. and June 30 at 9:30 a.m. the PHED Committee will continue its review of ZTA 16-20. The staff report will be available on June 27 and June 28 for these meetings. See information on page 4.